

California State Journal of Medicine.

Owned and Published Monthly by the

Medical Society of the State of California

PHILIP MILLS JONES, M. D., Secretary and Editor

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George H. Evans, M. D.
Wallace I. Terry, M. D.

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F. M. Pottenger, M. D.

ADDRESS ALL COMMUNICATIONS

Secretary State Society,
State Journal,
Official Register,

Butler Building,
San Francisco.

Telephone Douglas 2537

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VOL. VII AUGUST, 1909. No. 8

EDITORIAL NOTES.

In the vast majority of cases, suits for malpractice are nothing more nor less than attempts at blackmail. A great many of them are brought, not with the idea of really fighting them in court, but as a means to make the physician compromise by paying a few hundreds of dollars and thus have the suit stopped. The argument which the clever attorney puts up is to the effect that it will cost the doctor several hundred dollars to fight the suit and that he had better have it stopped by paying a couple of hundred dollars or so to the plaintiff and thus settle out of court. How many physicians are robbed this way every year, it is, of course, impossible to say; but there must be a good many. It is this, and not the danger from a legitimate suit, which has made medical defense insurance so very profitable. A physician who is insured is not in much danger, for the blackmailer avoids suing or trying to bluff a rich corporation with salaried attorneys that can afford to fight. A general recognition of this condition of things has existed in the minds of medical men for a good many years and there has been a growing feeling that physicians should unite to protect themselves against this form of blackmailing graft. It is outrageous that a physician who has done his best for some patient, and probably has done the best that could be done, should be held up by any rascally lawyer who wishes to do so. Thus it has come about that medical organizations have undertaken the defense of their members against such unjust attacks, and have adopted what is generally known as medical defense.

On June 24th, 1909, the Council of the State Society had a special meeting to consider plans for

MEDICAL DEFENSE.

medical defense, acting under instructions from the House of Delegates. After a very careful discussion of the question, it was decided by the Council to undertake the work at once. In Pennsylvania, medical defense has been in force since 1905 and has cost the state society not over ten cents per member per year. In New York, the work was begun in 1906 and has cost the state society about fifty cents per member per year. In New York, the very first year the plan was put into operation, malpractice suits were decreased in number 25%; in the first two years of the work, not a single verdict was obtained against a member in any suit which was defended by the society. Since 1906, six other state medical organizations have undertaken the defense of their members, and in every instance the plan seems to be working satisfactorily. With these facts in view, the Council decided to undertake the work at once and to carry it on until the annual meeting, next April, when the House of Delegates may pass upon the matter as presented to them at that time. It is believed that the work can be done successfully at a cost not to exceed \$1.00 per member per year, and possibly very much less than that when the work is once started and well organized. For one additional dollar a year, or possibly less than that, you can rest assured that you will not be blackmailed out of any money by this alleged malpractice suit game. The State Society has an attorney retained to look after this work; it is no additional expense to any member; he knows that he will be defended and the suit fought to the last ditch, without compromise. A number of county medical societies have already discussed this proposed work and have written their approval to the Council; if your society has not done so, have it taken up at once, discussed, some action taken, and then advise the State Society Secretary, so that it may be a matter of record. It is quite possible that there will be some members who will not wish to pay another dollar a year, even to secure this absolute protection against malpractice suits. But doubtless the number will be small and a good many who are not now members will desire to join their county societies when they realize that this benefit—a very real and tangible one—has been added to the other benefits of membership.

Now how is the plan to work out? What must you do to secure this ample protection by the State Society? It is very simple. Indeed, the sense of the Council was

WHAT TO DO.

that the machinery should be made as simple as possible, in order to give the fullest protection and the least inconvenience to the members. In the first place, be sure that your dues are fully paid up in your county society; only members in good standing, dues paid, are eligible to this protection. That being done,

if you are threatened with a suit, either verbally or by letter, communicate at once—*within twenty-four hours*—with the Secretary of the State Society, so that the matter can be taken up immediately by our attorney; this will, in very many cases, be the end of the matter. If you are threatened by letter, send the letter to the secretary together with a full account of the case, name, date, diagnosis, treatment, names of witnesses, nurses, consultants, etc. If you are served with a summons in a suit, this document, or an exact copy of it, must be sent *within twenty-four hours*, to the Secretary of the State Society, who will at once place the case in the hands of our attorney; all details must be sent at the same time, so that the attorney may be in possession of all the facts in the case. You will then be sent a blank to fill out and sign. This will authorize the Society to defend the action, through its attorney, and you will agree not to compromise or settle the suit without the consent of the Society, through its attorney. No judgments will be paid by the Society, but all costs of defending the suit will be paid by the Society. You will agree not to obligate the Society in any manner to the payment of any sums whatever. In other words, you turn the defense over to the Society, which will pay all the costs of action, and agree not to meddle. Is not that sufficiently simple—and safe?

All this medical defense work and the funds to pay for it will be in the hands of a special committee of the Council. They will stand back of the attorney, and of course back of them is the whole Council and the State Society.

Each county medical society will be asked to appoint, as soon as may be, a committee of three on medical defense. It will be the duty of this committee, when a member of the Society is sued or threatened with suit, to investigate the case and make a full report of the exact facts. These suits are dependent upon matters of fact and not matters of law, and so it is essential that all the facts be in our possession at the earliest possible moment. When a local attorney is required to attend to an action in some distant county, he will be chosen in some satisfactory way to be determined; probably by the joint action of the defendant, the county society or its committee, and the attorney for the State Society. The main idea, however, is to get quick action; to let people know that we are not to be bluffed or blackmailed; to protect ourselves and our members from unjust and iniquitous attacks, and to do it as quickly and as thoroughly as possible. Now a word as to what *not* to do. Do not wait till a suit is actually filed against you, if you have reason to believe that it is coming; let the Secretary know about it at once, so that the attorney can take it up and perhaps prevent a suit. If a suit is filed, do not think about it for a few days and then write; write at once and send the papers and the facts to the Secretary. Do not employ a lawyer until the Secretary has been communicated with, unless you wish to defend the case yourself and not have the Society do it.

Judging from the number of copies that have been sent to the JOURNAL office, every physician in the state must have received the very remarkable circular letter sent out by the "Union College of Osteopathy," apparently located at Wheeling, W. Va. The offer contained in the circular is supposed to be very flattering; you are to be taught osteopathy by mail at the modest cost of \$60.00 for the course, including the beautiful diploma. It is a special course for physicians who are urged not to lose all their patients to osteopathic practitioners, but to take this taught-by-mail bunch of canned information and thus become the real thing. It is unfortunate that this should come up at the present time, when the osteopathic standards are being raised in this state and when a fairly good number of applicants to practice osteopathy are passing our state board examinations and thus showing that they are really qualified; it will only tend to excite antagonism that was on the decline. It is exactly the sort of thing that certain medical diploma mills were doing a decade or two ago: turning out unlimited numbers of degrees, if the money was forthcoming. It was the examining board that put the medical diploma mill out of business; it will be the examining board that will put the osteopathic diploma mill out of business. That these institutions will exist until the various states require all applicants to practice any sort of healing art to pass the same examination, goes without saying. The independent examining board in every sort of cult merely permits these abuses. The one board law and the same examination for all, puts an immediate stop to this particular game of fraud.

The subject of reciprocity between the states in the matter of license to practice medicine, is discussed most sanely by Dr. Jno. C. King, of Banning, in a recent issue of the *Southern California Practitioner*. Dr. King is certainly entitled to be heard upon this question, as he served for some years on the State Board of Medical Examiners and made a most careful study of the law and its operation. At the time that Dr. King was a member of the board, and its president, there was a clause in the law permitting the board to reciprocate; but the board never put the clause into operation. He most clearly points out that as medical education advances, the cry for reciprocity becomes more faint and its operation is regarded with less favor. Twenty-four states are united in barring reciprocity, either actually or practically, and several others have such intricate machinery as to make it nearly a dead letter. "In many states the law, wisely I think, discriminates against the old practitioner." Dr. King's point is that physicians who do not keep up their reading and their study should be prevented from treating the sick. He cites the well-known procedure of the government in dealing with its Army and Navy surgeons; at each stage of their official life they are subjected to examination; it is

LICENSE RECIPROCITY.